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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and the Convention on the Rights of the Child,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 44/25, annex.

Recalling the obligation by all parties to respect international humanitarian law,

Recalling also its resolution 50/197 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/73 of 23 April 1996,

Noting with deep concern reports of grave human rights violations in the Sudan, in particular summary executions, detentions without trial, forced displacement of persons and torture, as described in reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the question of religious intolerance,

Welcoming the fourth and latest interim report of the Special Rapporteur on the situation of human rights in the Sudan,[5] and noting with concern the continuing violations of human rights in the Sudan,

Concerned about continuing deliberate and indiscriminate aerial bombardments by the Government of the Sudan of civilian targets in southern Sudan, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers involved in Operation Lifeline Sudan and international private voluntary agencies,

Welcoming the lifting in July 1996 of restrictions on aircraft employed to deliver humanitarian assistance, yet deeply concerned by the continued denial of flight clearances to affected areas, which exacerbates the threat to human life,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of ethnic minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and protection,

Noting that the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on religious intolerance carried out missions to the Sudan in 1996, as requested by the General Assembly in its resolution 50/197,

Deeply concerned by the conclusion of the Special Rapporteur, also stated in his previous reports, that grave and widespread violations of human rights by government agents, as well as abuses by members of parties to the conflict in southern Sudan other than the Government of the Sudan, continue to take place in the zones controlled by them, including extrajudicial killings, enforced or involuntary disappearances, abductions, slavery, systematic torture and widespread arbitrary arrests of suspected political opponents, as well as restrictions on religious minorities,[6]

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[5] A/51/490, annex.

[6] Ibid., sect. III.A.

Welcoming the establishment by the Government of the Sudan of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Alarmed by the continuing failure of the Sudanese authorities to investigate human rights violations and abuses brought to their attention over the past years,

Gravely alarmed that since February 1994 there have been increasing reports from a wide variety of sources indicating that atrocities by the Government of the Sudan against the local population in the area of the Nuba Mountains have intensified,

Welcoming the commitment by the Government of the Sudan to facilitate the improved flow of information, as well as its stated strong commitment to cooperate with the competent United Nations bodies and agencies, including the Special Rapporteur,

Concerned by reports of religious persecution in areas of the conflict zone controlled by the Government of the Sudan and of discrimination based upon religion in the provision of shelter and relief,

Deeply concerned by the Special Rapporteur's conclusion that the abduction of persons, mainly women and children, belonging to ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassena Hills area, and their subjection to the slave trade, servitude and forced labour are taking place with the knowledge of the Government of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan aimed at improving relations between the Government of the Sudan and the religious minority groups,

Noting that the Government of the Sudan has taken steps towards a larger degree of cooperation with some international organizations, with special attention to the rights of Sudanese children, and hoping that these efforts will be enhanced in the future,

Deeply concerned about the problem of unaccompanied minors and the use of children as soldiers by all parties despite repeated calls from the international community to put an end to this practice, as described in the report of the Special Rapporteur,[7]

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions; detentions without due process; violations of the rights of women and children; forced displacement of persons; enforced or involuntary disappearances; torture and other forms of cruel and unusual punishment; slavery, practices similar to slavery and forced labour; denial of the freedoms

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[7] Ibid., para. 34.

of expression, association and peaceful assembly; and discrimination based on religion;

2. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Rights of the Child,[4] the Slavery Convention, as amended,[8] and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,[9] to implement those instruments to which it is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

3. Urges the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to these practices;

4. Expresses its hope that the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery will contribute effectively to improving the human rights situation in the Sudan;

5. Welcomes the statement by the Government of the Sudan, as reported by the Special Rapporteur,[10] in which it pledged its logistical support to national, regional and international organizations to join the investigations of alleged cases of involuntary disappearance and slavery, and, accordingly, calls upon the Government to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where these violations have been reported;

6. Welcomes the interim report of the Special Rapporteur to the General Assembly, and his recent report to the Commission on Human Rights,[11] and expresses its continuing support for his work;

7. Continues to urge the placement of human rights monitors in such locations as will facilitate improved information flow and assessment and independent verification of reporting, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur;[12]

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[8] United Nations, Treaty Series, vol. 212, No. 2861.

[9] Ibid., vol. 266, No. 3822.

[10] A/51/490, annex, para. 43 (b).

[11] E/CN.4/1996/62.

[12] A/51/490, annex, para. 52 (c).

8. Urges the Government of the Sudan to cease immediately all aerial attacks on civilian targets and other attacks that are in violation of international humanitarian law;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[13] and the Additional Protocols thereto, of 1977,[14] to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all paries to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance to all persons in need;

11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices that are directed against and in particular violate the human rights of women and girls, in full cooperation with the international organizations active in the Sudan and focusing on the question, including the office of the United Nations Children's Fund in Khartoum;

12. Urges the Government of the Sudan to take all steps necessary to improve the situation of the most vulnerable groups of the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;[15]

13. Urges all parties to the Sudan's civil war to seek a negotiated settlement to the conflict immediately and encourages the parties to cooperate with efforts by the Inter-Governmental Authority on Development to assist the warring parties to put an end to the conflict and hasten a return of Sudanese refugees residing in neighbouring countries;

14. Reiterates its call upon the Government of the Sudan to ensure a full, thorough and prompt investigation by an independent judicial commission of inquiry into the killings of Sudanese nationals employed by foreign relief organizations and foreign Governments;

15. Urges the Government of the Sudan to cooperate fully with all United Nations agencies, international humanitarian organizations, human rights

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[13] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[14] Ibid., vol. 1125, Nos. 17512 and 17513.

[15] A/51/490, annex, para. 52 (d).

organizations and independent observers in order to improve the situation of human rights in the Sudan, as recommended by the Special Rapporteur;[16]

16. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

17. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance in the discharge of his mandate;

18. Welcomes the approaches to the Special Rapporteurs of the Commission on Human Rights by the Government of the Sudan, and again calls upon the Government of the Sudan to extend its full and unreserved cooperation to the Special Rapporteur and to thematic Special Rapporteurs and to assist them in the ongoing discharge of their mandates and, to this end, to take all necessary steps to ensure that the Special Rapporteurs have free and unlimited access to the whole territory of the Sudan and to any person in the Sudan with whom they wish to meet, with no threats or reprisals;

19. Recommends the continued monitoring of the serious human rights situation in the Sudan and of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-third session, to give urgent attention to the situation of human rights in the Sudan;

20. Decides to continue its consideration of this question at its fifty-second session.

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[16] Ibid., para. 52 (e).